

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1821

AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 10-13-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) As used in this chapter, "qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services.

(b) The term includes **the following**:

(1) A business or an organization that licenses or certifies others to provide care or care placement services.

(2) **A home health agency licensed under IC 16-27-1.**

(3) **A personal services agency licensed under IC 16-27-4.**

SECTION 2. IC 10-13-3-39, AS AMENDED BY P.L.234-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following persons:

(1) A person who seeks to be or is employed with the qualified

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entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check for convictions described in IC 20-26-5-11. The department shall respond to the request in conformity with:

- (1) the requirements of 42 U.S.C. 5119a; and
- (2) the regulations prescribed by the Attorney General of the United States under 42 U.S.C. 5119a.

(e) This subsection:

(1) applies to a qualified entity that:

- ~~(1)~~ (A) is not a school corporation or a special education cooperative; or
- ~~(2)~~ (B) is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer; **and**

(2) **does not apply to a qualified entity that is a:**

- (A) **home health agency licensed under IC 16-27-1; or**
- (B) **personal services agency licensed under IC 16-27-4.**

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 20-26-5-11 and convey the determination to the requesting qualified entity.

(f) This subsection applies to a qualified entity that:

- (1) is a school corporation or a special education cooperative; and
- (2) seeks a national criminal history background check to determine whether to employ or continue the employment of a certificated employee or a noncertificated employee of a school corporation or an equivalent position with a special education cooperative.

After receiving the results of a national criminal history background

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check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-26-5-11 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(g) This subsection applies to a qualified entity (as defined in IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall provide a copy to the public agency. Except as permitted by federal law, the public agency may not share the information contained in the national criminal history background check with a private agency.

**(h) This subsection applies to a qualified entity that is a:**

- (1) home health agency licensed under IC 16-27-1; or**
- (2) personal services agency licensed under IC 16-27-4.**

**After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 16-27-2-5(a) and convey the determination to the requesting qualified entity.**

SECTION 3. IC 12-10-17.1-7, AS ADDED BY P.L.141-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. As used in this chapter, "licensed health professional" means any of the following:

- (1) A registered nurse.
- (2) A licensed practical nurse.
- (3) A physician with an unlimited license to practice medicine or osteopathic medicine.
- (4) A licensed dentist.
- (5) A licensed chiropractor.
- (6) A licensed optometrist.
- (7) A licensed pharmacist.
- (8) A licensed physical therapist.
- (9) A ~~certified~~ **licensed** occupational therapist.
- (10) A certified psychologist.
- (11) A licensed podiatrist.
- (12) A licensed speech-language pathologist or audiologist.

SECTION 4. IC 16-18-2-244.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: **Sec. 244.5. "National criminal history background check", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-2.1.**

SECTION 5. IC 16-27-0.5-1, AS AMENDED BY P.L.152-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The home health care services and hospice services council is established.

(b) The council consists of sixteen (16) members as follows:

(1) One (1) licensed physician experienced in home health care.

(2) One (1) licensed physician with certification in hospice and palliative medicine.

(3) Four (4) individuals as follows:

(A) One (1) individual engaged in the administration of a nonhospital based home health agency.

(B) One (1) individual engaged in the administration of a hospital based home health agency.

(C) One (1) individual engaged in the administration of:

(i) a nonhospital based hospice; or

(ii) a hospice licensed under IC 16-25-3 that provides in-patient care.

(D) One (1) individual engaged in the administration of a hospital based hospice.

(4) One (1) registered nurse who is licensed under IC 25-23 and experienced in home health care.

(5) One (1) registered nurse who is licensed under IC 25-23 with certification in hospice and palliative medicine.

(6) One (1):

(A) physical therapist licensed under IC 25-27;

(B) occupational therapist ~~certified~~ **licensed** under IC 25-23.5; or

(C) speech-language pathologist licensed under IC 25-35.6; experienced in home health care.

(7) One (1) citizen having knowledge of or experience in hospice care.

(8) One (1) citizen having knowledge of or experience in home health agency care.

(9) One (1) registered pharmacist who is licensed under IC 25-26 with experience in hospice and palliative medicine.

(10) One (1) respiratory care practitioner who is licensed under IC 25-34.5 and experienced in home care.

(11) One (1) individual who is a bereavement counselor with experience in hospice care.

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(12) The commissioner or the commissioner's designee.

(13) The secretary of family and social services or the secretary's designee.

(c) The governor shall appoint the members of the council designated by subsection (b)(1) through (b)(11).

(d) Except for the members of the council designated by subsection (b)(12) through (b)(13), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(e) Except for the members of the council designated by subsection (b)(3), a member of the council may not:

(1) have an ownership interest in the operation of; or

(2) serve as a voting member on the governing body of;

a home health agency licensed under this article or a hospice licensed under IC 16-25.

SECTION 6. IC 16-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

(1) A licensed physician.

(2) A licensed dentist.

(3) A licensed chiropractor.

(4) A licensed podiatrist.

(5) A licensed optometrist.

(6) A nurse licensed under IC 25-23-1.

(7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.

(8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.

(9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).

(10) An:

(A) occupational therapist **licensed**; or

(B) occupational ~~therapist~~ **therapy** assistant certified; under IC 25-23.5.

(11) A social worker licensed under IC 25-23.6 or a social work assistant.

(12) A pharmacist licensed under IC 25-26-13.

SECTION 7. IC 16-27-2-1, AS AMENDED BY HEA 1241-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

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- (1) A licensed physician or a physician assistant (as defined in IC 25-22.5-1-1.1).
- (2) A dentist licensed under IC 25-14.
- (3) A chiropractor licensed under IC 25-10-1.
- (4) A podiatrist licensed under IC 25-29.
- (5) An optometrist licensed under IC 25-24.
- (6) A nurse licensed under IC 25-23-1.
- (7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.
- (8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.
- (9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).
- (10) An:
  - (A) occupational therapist **licensed**; or
  - (B) occupational ~~therapist~~ **therapy** assistant **certified**; ~~certified~~ under IC 25-23.5.
- (11) A social worker licensed under IC 25-23.6 or a clinical social worker licensed under IC 25-23.6.
- (12) A pharmacist licensed under IC 25-26-13.

SECTION 8. IC 16-27-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.1. As used in this chapter, "national criminal history background check" has the meaning set forth in IC 10-13-3-12.**

SECTION 9. IC 16-27-2-4, AS AMENDED BY P.L.212-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a ~~copy of~~ **determination concerning** the employee's ~~limited~~ **national criminal history background check** from the Indiana central repository for criminal history information under ~~IC 10-13-3~~; **IC 10-13-3-39.****

**(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for a **determination concerning** that person's ~~limited~~ **national criminal history background check** as required by subsection (a).**

SECTION 10. IC 16-27-2-5, AS AMENDED BY P.L.212-2005,



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SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if **a determination of** that person's ~~limited national~~ criminal history **background check** indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of **a determination of** that person's ~~limited national~~ criminal history **background check** required by section 4 of this chapter, unless **either** the ~~Indiana central repository for criminal history information under IC 10-13-3~~ **state police department or the Federal Bureau of Investigation under IC 10-13-3-39** is ~~solely~~ responsible for failing to provide **the determination of** the person's ~~limited national~~ criminal history **background check** to the home health agency or personal services agency within the time required under this subsection.

SECTION 11. IC 16-27-2-6, AS AMENDED BY P.L.212-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A person who operates a home health agency or a personal services agency under IC 16-27-4 is responsible for the payment of fees under ~~IC 10-13-3-30~~ **IC 10-13-3-39** and other fees required under section 4 of this chapter.

(b) A home health agency or personal services agency may require a person who applies to the home health agency or personal services agency for employment to provide services in a patient's or client's temporary or permanent residence:

- (1) to pay the cost of fees described in subsection (a) to the home health agency or personal services agency at the time the person submits an application for employment; or
- (2) to reimburse the home health agency or personal services

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agency for the cost of fees described in subsection (a).

SECTION 12. IC 20-12-21.7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The commission for higher education under IC 20-12-0.5 shall provide the commission with the most recent information concerning:

- (1) the number of minority students enrolled at each eligible institution; and
- (2) the number of individuals who are:
  - (A) enrolled at each eligible institution; and
  - (B) pursuing a course of study that would enable the student, upon graduation, to be:
    - (i) licensed to teach special education in an accredited school; or
    - (ii) ~~certified~~ **licensed** to practice occupational therapy or licensed to practice physical therapy in an accredited school, in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1), or in a community mental retardation or other developmental disabilities center under IC 12-29 as part of the special education program.

(b) The commission shall allocate the available money from the fund to each eligible institution in proportion to the number of minority students enrolled at each eligible institution as described in subsection (a) based upon the information received by the commission under subsection (a).

(c) Each eligible institution shall determine the scholarship recipients under this chapter:

- (1) based upon the criteria set forth in section 9 of this chapter or section 9.1 of this chapter, whichever applies, and the rules adopted by the commission under section 12 of this chapter; and
- (2) with a priority on granting scholarships in the following order:
  - (A) Minority students seeking a renewal scholarship.
  - (B) Newly enrolling minority students.
  - (C) Special education services students seeking a renewal scholarship.
  - (D) Newly enrolling special education services students.

However, the eligible institution may not grant a scholarship renewal to a student for an academic year that ends later than six (6) years after the date the student received the initial scholarship under this chapter.

(d) Any funds that:

- (1) are allocated to an eligible institution; and
- (2) are not utilized for scholarships under this chapter;

shall be returned to the commission for reallocation by the commission

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to any other eligible institution in need of additional funds.

SECTION 13. IC 20-12-21.7-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.1. (a) To initially qualify for a scholarship from the fund as the fund pertains to individuals described in section 8(a)(2) of this chapter, an individual must:

- (1) be admitted to an eligible institution of higher learning as a full-time student or be attending an eligible institution of higher learning as a full-time student;
  - (2) intend to pursue or, in the case of a student who is attending an eligible institution of higher learning, pursue a course of study that would enable the student, upon graduation:
    - (A) to be licensed to teach special education in an accredited school under rules adopted by the Indiana state board of education;
    - (B) to be ~~certified~~ **licensed** to practice occupational therapy:
      - (i) in an accredited school;
      - (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
      - (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6; or
    - (C) to be licensed to practice physical therapy:
      - (i) in an accredited school;
      - (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
      - (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;
  - (3) agree, in writing, to:
    - (A) teach in an accredited school; or
    - (B) practice occupational therapy or physical therapy, whichever applies:
      - (i) in an accredited school in Indiana;
      - (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
      - (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;
- at least three (3) of the first five (5) years following the student's licensure as a teacher, ~~certification~~ **licensure** as an occupational therapist, or licensure as a physical therapist; and

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(4) meet any other minimum criteria established by the commission.

(b) To qualify for a scholarship renewal from the fund under this section, the individual must:

- (1) comply with the criteria set forth in subsection (a); and
- (2) maintain at least the cumulative grade point average:
  - (A) that is required by an eligible institution for admission to the eligible institution's school of education; or
  - (B) of 2.0 on a 4.0 grading scale or its equivalent as established by the eligible institution if the eligible institution's school of education does not require a certain minimum cumulative grade point average.

SECTION 14. IC 20-28-1-11, AS AMENDED BY SEA 94-2007, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. "School psychology" means the following:

- (1) Administering, scoring, and interpreting educational, cognitive, career, vocational, behavioral, and affective tests and procedures that address a student's:
  - (A) education;
  - (B) developmental status;
  - (C) attention skills; and
  - (D) social, emotional, and behavioral functioning;
 as they relate to the student's learning or training in the academic or vocational environment.
- (2) Providing consultation, collaboration, and intervention services (not including psychotherapy) and providing referral to community resources to:
  - (A) students;
  - (B) parents of students;
  - (C) teachers;
  - (D) school administrators; and
  - (E) school staff;
 concerning learning and performance in the educational process.
- (3) Participating in or conducting research relating to a student's learning and performance in the educational process:
  - (A) regarding the educational, developmental, career, vocational, or attention functioning of the student; or
  - (B) screening social, affective, and behavioral functioning of the student.
- (4) Providing inservice or continuing education services relating to learning and performance in the educational process to schools,

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parents, or others.

(5) Supervising school psychology services.

(6) Referring a student to:

(A) a speech-language pathologist or an audiologist licensed under IC 25-35.6 for services for speech, hearing, and language disorders; or

(B) an occupational therapist ~~certified~~ **licensed** under IC 25-23.5 for occupational therapy services;

by a school psychologist who is employed by a school corporation and who is defined as a practitioner of the healing arts for the purpose of referrals under 42 CFR 440.110.

The term does not include the diagnosis or treatment of mental and nervous disorders, except for conditions and interventions provided for in state and federal mandates affecting special education and vocational evaluations as the evaluations relate to the assessment of handicapping conditions and special education decisions or as the evaluations pertain to the placement of children and the placement of adults with a developmental disability.

SECTION 15. IC 21-13-2-5, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. An individual qualifies for an initial scholarship from the fund if the individual:

(1) is admitted to an eligible institution as a full-time student or is attending an eligible institution as a full-time student;

(2) either intends to pursue or, in the case of a student who is attending an eligible institution, pursues a course of study that would enable the student, upon graduation, to be:

(A) licensed to teach special education in an accredited school under rules adopted by the Indiana state board of education;

(B) ~~certified~~ **licensed** to practice occupational therapy:

(i) in an accredited school;

(ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or

(iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6; or

(C) licensed to practice physical therapy:

(i) in an accredited school;

(ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or

(iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except

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IC 12-29-3-6;

(3) agrees in writing to:

(A) teach in an accredited school; or

(B) practice occupational therapy or physical therapy, whichever applies:

(i) in an accredited school in Indiana;

(ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or

(iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;

for at least three (3) of the first five (5) years following the student's licensure as a teacher, ~~certification~~ **licensure** as an occupational therapist, or licensure as a physical therapist; and

(4) meets any other minimum criteria established by the commission.

SECTION 16. IC 21-13-2-10, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The commission for higher education shall provide the commission with the most recent information concerning:

(1) the number of minority students enrolled at each eligible institution; and

(2) the number of individuals who are:

(A) enrolled at each eligible institution; and

(B) pursuing a course of study that would enable the student, upon graduation, to be:

(i) licensed to teach special education in an accredited school; or

(ii) ~~certified~~ **licensed** to practice occupational therapy or licensed to practice physical therapy in an accredited school, in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1), or in a community mental retardation or other developmental disabilities center under IC 12-29 as part of the special education program.

SECTION 17. IC 25-1-4-5, AS ADDED BY P.L.157-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter **or IC 25-1-8-6** at the time that the practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board shall do the following:

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- (1) Send the practitioner notice of noncompliance by certified mail.
  - (2) As a condition of license renewal **or reinstatement**, require the practitioner to comply with subsection (b).
  - (3) **For license renewal**, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).
- (b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:
- (1) If the practitioner believes that the practitioner has complied with this chapter **or IC 25-1-8-6, if applicable**, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
  - (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:
    - (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.
    - (B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.
    - (C) Comply with all other provisions of this chapter.
- (c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend **or refuse to reinstate** the license of the practitioner and send notice of the suspension **or refusal** to the practitioner by certified mail.
- (d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).
- (e) The board shall:
- (1) reinstate a ~~practitioner suspended under subsection (c);~~ **practitioner's license;** or
  - (2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) **or IC 25-1-8-6, if applicable**.

SECTION 18. IC 25-1-4-6, AS ADDED BY P.L.157-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, if at the time

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a practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter **or IC 25-1-8-6, if applicable**, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal **or reinstatement**.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

SECTION 19. IC 25-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the

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costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ~~ten dollars (\$10)~~ **twenty-five dollars (\$25)** for the issuance of a duplicate license, registration, or certificate.

SECTION 20. IC 25-1-8-6, AS AMENDED BY SEA 490-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).

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- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period: or~~

**(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.**

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license,

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certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.**
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 21. IC 25-1-8-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.**

**(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:**

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.**
- (2) Reinstatement the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.**
- (3) Reinstatement the license and file a complaint under IC 25-1-7.**

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(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
- (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
- (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

SECTION 22. IC 25-1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the

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standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, **including cheating on a licensing examination;**
  - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
  - (C) advertised services in a false or misleading manner; **or**
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:**
    - (i) Medicaid (42 U.S.C. 1396 et seq.);**
    - (ii) Medicare (42 U.S.C. 1395 et seq.);**
    - (iii) the children's health insurance program under IC 12-17.6; or**
    - (iv) insurance claims;**
- (2) a practitioner has been convicted of a crime that:
  - (A) has a direct bearing on the practitioner's ability to continue to practice competently; **or**
  - (B) is harmful to the public;**
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence that:
    - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
    - (ii) does not include activities performed under IC 16-21-2-9;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license

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issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any ~~other~~ state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care; ~~or~~

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; **or**

**(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.**

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

SECTION 23. IC 25-1-9-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has been disciplined by a licensing entity of ~~another~~ **any** state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and

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(2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

**(b) The board may:**

- (1) refuse to issue a license; or**
- (2) issue a probationary license;**

**to an applicant for licensure if the applicant practiced without a license in violation of the law.**

~~(b)~~ **(c)** Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

SECTION 24. IC 25-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

**(1) a practitioner has:**

- (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
- (C) advertised services or goods in a false or misleading manner; **or**
- (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;**

**(2) a practitioner has been convicted of a crime that:**

- (A) has a direct bearing on the practitioner's ability to continue to practice competently; or**
- (B) is harmful to the public;**

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(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence, **including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;**

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in ~~another~~ **any** state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; ~~or~~

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; **or**

**(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.**

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

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~~(c)~~ The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.

~~(d)~~ **(c)** A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7). ~~or subsection (c).~~

SECTION 25. IC 25-1-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a)** The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

**(b)** The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed upon a hearing before the board. Each renewal of a summary suspension may not be for more than ninety (90) days.

**(c)** Before the board may summarily suspend a license under this section, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the attorney general's office attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

SECTION 26. IC 25-1-11-19, AS ADDED BY P.L.194-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. **(a)** The board may refuse to issue a license or

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may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

**(b) The board may:**

**(1) refuse to issue a license; or**

**(2) issue a probationary license;**

**to an applicant for licensure if the applicant practiced without a license in violation of the law.**

~~(b)~~ **(c)** Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

SECTION 27. IC 25-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. "Quality review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of:

**(1) an individual who; or**

**(2) a firm in the practice of accountancy that;**

**attests or issues compilation reports, by at least one (1) individual who holds a certificate from any state and possesses qualifications that meet the applicable substantial equivalency standards and who is independent of the individual or firm being reviewed.**

SECTION 28. IC 25-7-7-3, AS AMENDED BY P.L.157-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
- (2) not more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
  - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;
  - (B) the histology of hair, skin, muscles, and nerves;
  - (C) the structure of the head, face, and neck;
  - (D) elementary chemistry relating to sterilization and antiseptics;
  - (E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and
  - (F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;
- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
- (5) the school will be operated under the personal supervision of a licensed barber instructor;
- (6) the applicant has obtained:
  - (A) a building permit;
  - (B) a certificate of occupancy; or
  - (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;
 required to operate the school;
- (7) the school, if located in the same building as a residence, will:
  - (A) be separated from the residence by a substantial floor to ceiling partition; and
  - (B) have a separate entrance;
- (8) as a requirement for graduation, the proposed school must:
  - (A) administer; and
  - (B) require the student to pass;
 a final practical demonstration examination of the acts permitted by the license; and
- (9) the applicant has paid the fee set forth in IC 25-7-11-2.

SECTION 29. IC 25-8-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Mobile salon" means**

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either of the following:

(1) A self-contained facility that may be moved, towed, or transported from one (1) location to another and in which cosmetology, electrology, esthetics, or manicuring is practiced.

(2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:

(A) other cosmetology, electrology, esthetic, or manicuring salons;

(B) clients' homes; and

(C) nursing homes.

SECTION 30. IC 25-8-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(2) establish standards for the practice of cosmetology and the operation of:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and

(4) establish requirements for cosmetology school uniforms for students and instructors.

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:

(1) Sanitation standards.

(2) Safety requirements.

(3) Permanent address requirements at which the following are located:

(A) Records of appointments.

(B) License numbers of employees.

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**(C) If applicable, the vehicle identification number of the license holder's self-contained facility.**

**(4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.**

SECTION 31. IC 25-8-4-21, AS AMENDED BY P.L.157-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. **(a)** Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

- (1) pays renewal fees established by the board under IC 25-1-8-2;
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and
- (3) complies with all **of the** requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated; other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board. established under IC 25-1-8-6.

**(b)** Except as provided in subsection (e) and (f), the board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement within three (3) years after the expiration date of the license, unless the person holding the license;

- (1) receives a satisfactory grade (as described in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-1-8-2;
- (3) pays the renewal fees established by the board under IC 25-1-8-2; and
- (4) pays the reinstatement fee established under IC 25-1-8-6.

**(c)** If a person does not receive a satisfactory grade on the examination described in subsection (b)(1), the person may repeat the examination subject to the rules governing the examination as adopted by the board.

**(d)** If a person does not receive a satisfactory grade on a repeat examination as provided in subsection (c), the board may:

- (1) permit the person to take the examination again;
- (2) require the person to complete remediation and additional training as required by the board before the person is permitted to take the examination again; or
- (3) refuse to permit the person to take the examination again and deny the application for reinstatement of the license.

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**(e) The board may not reinstate:**

- (1) a cosmetology salon license issued under IC 25-8-7;**
- (2) an electrology salon license issued under IC 25-8-7.2;**
- (3) an esthetic salon license issued under IC 25-8-12.6; or**
- (4) a manicurist salon license issued under IC 25-8-7.1;**

**unless the license holder submits an application for reinstatement of the license not later than three (3) years after the date the license expires.**

**(f) The board may not reinstate a cosmetology school license issued under IC 25-8-5 unless the license holder submits an application for reinstatement of the license not later than three (3) years after the date the license expires.**

SECTION 32. IC 25-8-4-27, AS AMENDED BY P.L.194-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. If a person holding a license described in section ~~22(b)~~ **21(e) or 21(f)** of this chapter does not comply with the reinstatement application filing requirements set forth in that section, that person may:

- (1) file an application for a new license to operate:
  - (A) a cosmetology salon;
  - (B) an electrology salon;
  - (C) an esthetic salon;
  - (D) a manicurist salon; or
  - (E) a cosmetology school;
 under this article; and
- (2) pay the reinstatement fee set forth in:
  - (A) IC 25-8-13-3; or
  - (B) IC 25-8-13-5(b).

SECTION 33. IC 25-8-5-3, AS AMENDED BY P.L.157-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;
- (2) no more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;

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- (5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;
- (6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
  - (A) be separated from the residence by a substantial floor to ceiling partition; and
  - (B) have a separate entry;
- (8) as a requirement for graduation, the proposed school must:
  - (A) administer; and
  - (B) require the student to pass;
 a final practical demonstration examination of the acts permitted by the license; and
- (9) the applicant has paid the fee set forth in IC 25-8-13-3.

SECTION 34. IC 25-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board may license a person to be a ~~cosmetology~~ **beauty culture** instructor.

SECTION 35. IC 25-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person must file a verified application for a ~~cosmetology~~ **beauty culture** instructor license with the board. ~~to obtain that license~~. The application must be made on a form prescribed by the board.

SECTION 36. IC 25-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that the applicant:

- (1) is at least eighteen (18) years of age;
- (2) has graduated from high school or received the equivalent of a high school education;
- (3) holds a cosmetologist, **an electrologist, a manicurist, or an esthetician** license issued under this article;
- ~~(4) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school;~~
- (4) has completed the education and experience requirements subject to the rules adopted by the board;**
- (5) has not committed an act for which the applicant could be disciplined under IC 25-8-14;
- (6) has received a satisfactory grade (as ~~defined~~ **described** in IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and

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(7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a license under this chapter.

SECTION 37. IC 25-8-6-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:**

- (1) Cosmetology, if the person:**
  - (A) holds a cosmetologist license under IC 25-8-9; and**
  - (B) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.**
- (2) Electrology, if the person holds an electrologist license under IC 25-8-10.**
- (3) Manicuring, if the person holds a manicurist license under IC 25-8-11.**
- (4) Esthetics, if the person holds an esthetician license under IC 25-8-12.5.**

SECTION 38. IC 25-8-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who wishes to obtain a cosmetology salon license must:**

- (1) do one (1) or more of the following:**
  - (A) Select a site for the salon which, if located in the same building as a residence:**
    - ~~(A)~~ **(i) is separated from the residence by a substantial floor to ceiling partition; and**
    - ~~(B)~~ **(ii) has a separate entry.**
  - (B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**
- (2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;**
- (3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and**
- (4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.**

SECTION 39. IC 25-8-7.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who**

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desires to obtain a manicurist salon license must:

(1) do **one (1) or more of** the following:

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(i)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(ii)~~ (ii) has a separate entry.

**(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:

(A) manicurist under IC 25-8-11; or

(B) cosmetologist under IC 25-8-9;

before the application was submitted under this chapter.

SECTION 40. IC 25-8-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain an electrology salon license must:

(1) do **one (1) or more of** the following:

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(i)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(ii)~~ (ii) has a separate entry.

**(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon

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equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

SECTION 41. IC 25-8-9-7, AS AMENDED BY P.L.157-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, **or** manicuring. ~~or the instruction of cosmetology, esthetics, or electrology.~~

SECTION 42. IC 25-8-9-8, AS AMENDED BY P.L.157-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person must file a verified application for a temporary:

- (1) cosmetologist work permit;
- (2) electrologist work permit;
- (3) esthetician work permit; **or**
- (4) manicurist work permit;
- ~~(5) cosmetology instructor work permit;~~
- ~~(6) esthetics instructor work permit; or~~
- ~~(7) electrology instructor work permit;~~

with the board on a form prescribed by the board to obtain that work permit.

SECTION 43. IC 25-8-9-9, AS AMENDED BY P.L.157-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:
  - (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
  - (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and
- (2) has filed an application under:
  - (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or

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- (B) IC 25-8-4-2 and is awaiting a board determination.
- (c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:
  - (1) will practice esthetics under the supervision of an esthetician; and
  - (2) has filed an application under:
    - (A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or
    - (B) IC 25-8-4-2 and is awaiting a board determination.
- (d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:
  - (1) will practice manicuring under the supervision of a cosmetologist or manicurist; and
  - (2) has filed an application under:
    - (A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or
    - (B) IC 25-8-4-2 and is awaiting a board determination.
- (e) The temporary cosmetology instructor work permit application described in section 8 of this chapter must state that the applicant:
  - (1) will practice the instruction of cosmetology under the supervision of a cosmetology instructor; and
  - (2) has filed an application under:
    - (A) IC 25-8-6-2, but has not taken the examination described in IC 25-8-6-3(6); or
    - (B) IC 25-8-4-2 and is awaiting a board determination.
- (f) The temporary esthetics instructor work permit application described in section 8 of this chapter must state that the applicant:
  - (1) will practice the instruction of esthetics under the supervision of a cosmetology or an esthetics instructor; and
  - (2) has filed an application under:
    - (A) IC 25-8-6.1-2, but has not taken the examination described in IC 25-8-6.1-3(6); or
    - (B) IC 25-8-4-5 and is awaiting a board determination described in IC 25-8-4-2.
- (g) The temporary electrology instructor work permit application described in section 8 of this chapter must state that the applicant:
  - (1) will practice the instruction of electrology under the supervision of an electrology instructor; and
  - (2) has filed an application under:
    - (A) IC 25-8-6.2-2, but has not taken the examination described in IC 25-8-6.2-3(6); or
    - (B) IC 25-8-4-2 and is awaiting a board determination.

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SECTION 44. IC 25-8-15.4-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. The board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:**

- (1) pays the current renewal fee established by the board under IC 25-1-8-2;**
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and**
- (3) complies with all requirements established under this article for an applicant for an initial license.**

SECTION 45. IC 25-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The Indiana professional licensing agency may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring or boxing matches ~~semiprofessional elimination contests~~, or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match ~~contest~~, or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The licensing agency may appoint and remove a secretary for the commission, who shall:

- (1) keep a full and true record of all the commission's proceedings;
- (2) preserve at its general office all the commission's books, documents, and papers;
- (3) prepare for service notices and other papers as may be required by the commission; and
- (4) perform other duties as the licensing agency may prescribe.

The licensing agency may employ only such clerical employees as may be actually necessary and fix their salaries as provided by law.

(c) Each commissioner shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in the discharge of their official duties. All reimbursements for traveling expenses shall be in accordance with travel policies and procedures established by the Indiana department of administration and the budget agency. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses.

SECTION 46. IC 25-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Boxing and

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sparring matches or exhibitions for prizes or purses may be held in Indiana.

(b) The commission:

(1) has the sole direction, management, control, and jurisdiction over all boxing and sparring matches ~~semiprofessional elimination contests~~, or exhibitions to be conducted, held, or given in Indiana; and

(2) may issue licenses for those matches ~~contests~~, or exhibitions.

(c) A boxing or sparring match or an exhibition that is:

(1) conducted by any school, college, or university within Indiana;

(2) sanctioned by United States Amateur Boxing, Inc.; or

(3) without a prize or purse;

shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) No boxing or sparring match, or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 47. IC 25-9-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The commission may:

(1) cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions to any person who is qualified under this chapter; and

(2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 48. IC 25-9-1-7, AS AMENDED BY P.L.120-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 7. (a) Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall be:

- (1) made in writing upon forms prescribed by the state boxing commission and shall be addressed to and filed with the Indiana professional licensing agency; and
- (2) verified by the applicant, if an individual, or by some officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, shall, among other things, state:

- (1) the time and exact place at which the boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition is proposed to be held;
- (2) the names of the contestants who will participate and their seconds;
- (3) the seating capacity of the buildings or the hall in which such exhibition is proposed to be held;
- (4) the admission charge which is proposed to be made;
- (5) the amount of the compensation percentage of gate receipts which is proposed to be paid to each of the participants;
- (6) the name and address of the person making the application;
- (7) the names and addresses of all the officers if the person is a club, a corporation, or an association; and
- (8) the record of each contestant from a source approved by the commission.

(c) The commission shall cause to be kept by the licensing agency proper records of the names and addresses of all persons receiving permits and licenses.

SECTION 49. IC 25-9-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and in all manner shall conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

SECTION 50. IC 25-9-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person shall not:

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- (1) permit any person under the age of eighteen (18) years to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition;
- (2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition conducted by it; or
- (3) participate in or permit any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) A person who violates this section shall, in addition to any criminal penalty, have the person's license or permit revoked and be rendered ineligible for a license or permit at any future time.

SECTION 51. IC 25-9-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person shall not:

- (1) participate in any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where the match or exhibition is conducted by a licensed person; or
- (2) being under the age of eighteen (18), participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) If a person violating this section is a licensed contestant in this state, the person shall for the first offense, in addition to the fine, suffer a revocation of the person's license or permit, and for a second offense be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

SECTION 52. IC 25-9-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) No contestant shall be permitted to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition unless duly registered and licensed with the state boxing commission, which license must be renewed biennially. The license fee and the renewal fee shall not be less than five dollars (\$5) paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a contestant shall file an application in writing with the Indiana professional licensing agency, which application shall, among other

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things, state:

- (1) the correct name of the applicant;
- (2) the date and place of the applicant's birth;
- (3) the place of the applicant's residence; and
- (4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. Application for renewal license shall be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana, who has been licensed as provided in this article, and has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing or sparring matches or exhibitions.

SECTION 53. IC 25-9-1-20.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20.5. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If any such person shall be declared ineligible, the commission shall suspend such convicted person and declare ~~him~~ **the person** ineligible to participate in any boxing or sparring match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license in the manner provided, and the commission may rescind the prior order of suspension.

SECTION 54. IC 25-9-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Any license provided for under this chapter may be revoked or suspended by the commission for reasons deemed sufficient under this chapter and under IC 25-1-11.

(b) If a person displays to the public credentials issued by the

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commission that:

- (1) have been revoked or suspended under this section or under sections 16, 17, and 20.5 of this chapter; or
- (2) have expired;

the commission may act under this section, or the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing or sparring match, ~~semiprofessional elimination contest~~, exhibition, or other activity regulated by the commission.

SECTION 55. IC 25-9-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Every person, club, corporation, firm, or association which may conduct any match or exhibition under this chapter shall, within twenty-four (24) hours after the termination thereof:

- (1) furnish to the Indiana professional licensing agency by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition, and other related matters as the commission may prescribe; and
- (2) pay a tax of five percent (5%) of the price of admission collected from the sale of each admission ticket to the match or exhibition, which price shall be a separate and distinct charge and shall not include any tax imposed on and collected on account of the sale of any such ticket. Money derived from such state tax shall be deposited in the state general fund.

(b) Before any license shall be granted for any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition in this state, a bond or other instrument that provides financial recourse must be provided to the state boxing commission. The instrument must be:

- (1) in an amount determined by the commission;
- (2) approved as to form and sufficiency of the sureties thereon by the commission;
- (3) payable to the state of Indiana; and
- (4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid rules of the commission.

SECTION 56. IC 25-9-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing ~~him~~ **the official representative** to act as an inspector wherever the commission

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may designate ~~him~~ **the official representative** to act. One (1) inspector or deputy shall be present at all boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, and see that the rules of the commission and the provisions of this chapter are strictly observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting the match ~~contest~~, or exhibition.

SECTION 57. IC 25-9-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. All tickets of admission to any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall clearly show their purchase price, and no such tickets shall be sold for more than the price printed on the tickets. It shall be unlawful for any person, club, corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

SECTION 58. IC 25-21.5-8-7, AS AMENDED BY P.L.194-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must ~~do the following~~:

(1) establish procedures for approving an organization that provides continuing education.

(2) Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:

(A) An alphabetical list of all land surveyors who attended the course.

(B) A certified statement of the hours to be credited to each land surveyor.

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

(A) do not require the holder of an inactive certificate to obtain continuing education;

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- (B) prohibit the holder of an inactive certificate from practicing land surveying;
- (C) establish requirements for reactivation of an inactive certificate; and
- (D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

SECTION 59. IC 25-23.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 0.5. Applicability**

**Sec. 1. This article does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the individual's license, certificate, or registration.**

**Sec. 2. The provisions of this article that require a license to engage in the practice of occupational therapy do not apply to the following:**

- (1) The practice of occupational therapy by an individual who is practicing occupational therapy as part of a supervised course of study in an educational program approved by the board.
- (2) The practice of occupational therapy by an occupational therapy assistant who is:
  - (A) certified under this article; and
  - (B) acting under the supervision of an occupational therapist.
- (3) The practice of occupational therapy by an occupational therapy aide under the direct supervision of:
  - (A) an occupational therapist; or
  - (B) an occupational therapy assistant.

**Sec. 3. An occupational therapy assistant shall:**

- (1) be certified under this article; and
- (2) practice under the supervision of an occupational therapist who is licensed under this article.

SECTION 60. IC 25-23.5-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. "Examination" refers to a nationally recognized test for occupational therapists that has been approved by the board under IC 25-23.5-5-4.5.**

SECTION 61. IC 25-23.5-1-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **"Practice of occupational therapy"** means the functional assessment of learning and performance skills and the analysis, selection, and adaptation of exercises or equipment for a person whose abilities to perform the requirements of daily living are threatened or impaired by physical injury or disease, mental illness, a developmental deficit, the aging process, or a learning disability. The term consists primarily of the following functions:

- (1) Planning and directing exercises and programs to improve sensory-integration and motor functioning at a level of performance neurologically appropriate for a person's stage of development.
- (2) Analyzing, selecting, and adapting functional exercises to achieve and maintain a person's optimal functioning in daily living tasks and to prevent further disability.

SECTION 62. IC 25-23.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The committee consists of five (5) members appointed by the governor for terms of three (3) years. The committee must include the following:

- (1) At least two (2) occupational therapists who:
  - (A) are residents of Indiana;
  - (B) have at least three (3) years experience as occupational therapists; and
  - (C) are ~~certified~~ **licensed** under this article.
- (2) At least one (1) physician licensed under IC 25-22.5 who is familiar with **the practice of** occupational therapy.
- (3) At least one (1) person who:
  - (A) is a resident of Indiana; and
  - (B) is not associated with occupational therapy in any way other than as a consumer.

SECTION 63. IC 25-23.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The committee shall:

- (1) consider the qualifications of persons who apply for ~~certificates~~ **licenses** under this article;
- (2) provide for examinations required under this article;
- (3) ~~certify~~ **license** qualified persons;
- (4) propose rules to the board concerning the:
  - (A) competent practice of occupational therapy;
  - (B) **continuing competency requirement for the renewal of a license for an occupational therapist and renewal of a certificate for an occupational therapy assistant; and** ~~the~~
  - (C) administration of this article; and

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(5) recommend to the board the amounts of fees required under this article.

SECTION 64. IC 25-23.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for:

- (1) the competent practice of occupational therapy;
- (2) the renewal of ~~certificates~~ **licenses or certificates** issued under this article; and
- (3) standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

SECTION 65. IC 25-23.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A person may not:

- (1) ~~profess to be practice as~~ **practice as** an occupational therapist;
- (2) ~~profess to be practice as~~ **practice as** an occupational therapy assistant;
- (3) use the title "occupational therapist";
- (4) use the title "occupational therapy assistant"; or
- (5) ~~use the initials "O.T.", "O.T.A.", "O.T.R.", or "C.O.T.A." or any other words, letters, abbreviations, or insignia indicating or implying that the person is an occupational therapist or occupational therapy assistant certified under this article;~~

**(5) engage in the practice of occupational therapy;**

unless the person is ~~certified~~ **licensed or certified** under this article.

SECTION 66. IC 25-23.5-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) **Except as provided in subsection (b), an occupational therapist may not provide occupational therapy services to a person until the person has been referred to the occupational therapist by a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, or a chiropractor licensed under IC 25-10.**

(b) **An occupational therapist may provide the following services without a referral from a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, or a chiropractor licensed under IC 25-10:**

- (1) **Ergonomic or home assessment.**
- (2) **Injury or illness prevention education and wellness services.**
- (3) **Occupational therapy activities provided in an educational**

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**(4) Occupational therapy activities that the board determines, after reviewing the recommendations of the committee, are appropriate to be conducted in a community based environment.**

SECTION 67. IC 25-23.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who **knowingly or intentionally** violates this chapter commits a Class B misdemeanor.

SECTION 68. IC 25-23.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who applies for a ~~certificate~~ **license** as an occupational therapist or a **certificate as an** occupational therapy assistant must present satisfactory evidence to the committee that the person:

- (1) does not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;
- (2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the person was not able to practice as an occupational therapist or occupational therapy assistant without endangering the public;
- (3) has graduated from a school or program of occupational therapy or a program for occupational therapy assistants approved by the board; and
- (4) has passed an occupational therapist or occupational therapy assistant licensing or certifying examination approved by the board **under section 4.5 of this chapter.**

SECTION 69. IC 25-23.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The board may require a person who applies for a ~~certificate~~ **license** as an occupational therapist to have successfully completed supervised fieldwork experience arranged and approved by the school or program from which the person graduated.

(b) The board may require a person who applies for a certificate as an occupational therapy assistant to have successfully completed supervised fieldwork experience arranged and approved by the program from which the person graduated.

SECTION 70. IC 25-23.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A person applying for a ~~certificate~~ **license or certificate** under this article must pay a fee.

SECTION 71. IC 25-23.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who

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satisfies the requirements of sections 1 through 3 of this chapter may take the examination ~~provided~~ **approved** by the board **under section 4.5 of this chapter.**

SECTION 72. IC 25-23.5-5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. (a) The board shall do the following:**

**(1) Approve a nationally recognized examination for each type of license or certificate issued under this article.**

**(2) Establish the passing score necessary to obtain a license under this article.**

**(b) The board may use any part of an examination administered by:**

**(1) the National Board for Certification in Occupational Therapy, or its successor; or**

**(2) another nationally recognized body that provides examination services for occupational therapists, as determined by the committee;**

**as the examination required to obtain a license under this article.**

SECTION 73. IC 25-23.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

(b) The committee shall provide for examinations that test a person's knowledge of the basic and clinical sciences as they relate to **the practice of** occupational therapy, occupational therapy theory and procedures, and other subjects the committee considers useful to test a person's fitness to practice as an occupational therapist or occupational therapy assistant.

SECTION 74. IC 25-23.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The committee shall issue a ~~certificate license or certificate~~ to a person who

**(1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and**

**(2) is otherwise qualified meets the requirements for a license or certificate under this article.**

SECTION 75. IC 25-23.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** The committee may refuse to issue a ~~certificate license~~ or may issue a probationary ~~certificate license~~ to a person if:

**(1) the person has been disciplined by an administrative agency in another jurisdiction; and**

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(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice **occupational therapy** as an occupational therapist. ~~or occupational therapy assistant.~~

**(b) The committee may refuse to issue a certificate or may issue a probationary certificate to a person if:**

**(1) the person has been disciplined by an administrative agency in another jurisdiction; and**

**(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice as an occupational therapy assistant.**

SECTION 76. IC 25-23.5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If the committee issues a probationary ~~certificate~~ **license or probationary certificate** under section 7 of this chapter, the committee may require the person who holds the ~~certificate~~ **probationary license or probationary certificate** to perform one (1) or more of the following conditions:

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(b) The committee shall remove a limitation placed on a probationary ~~certificate~~ **license or probationary certificate** if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

SECTION 77. IC 25-23.5-5-9, AS AMENDED BY P.L.1-2006, SECTION 457, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A ~~certificate~~ **license or certificate** issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the ~~certificate~~ **license or certificate** was issued.

(b) A person may renew a ~~certificate~~ **license or certificate** by paying a renewal fee on or before the expiration date of the ~~certificate~~ **license or certificate**.

(c) If a person fails to pay a renewal ~~fee~~ on or before the expiration date of a ~~certificate~~ **license or certificate**, the ~~certificate~~ **license or certificate** becomes invalid.

SECTION 78. IC 25-23.5-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The committee

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shall reinstate an invalid ~~certificate license or certificate~~ up to three (3) years after the expiration date of the ~~certificate license or certificate~~ if the person holding the invalid ~~certificate license or certificate~~ meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a ~~certificate license or certificate~~ expired, the person holding the ~~certificate license or certificate~~ may renew the ~~certificate license or certificate~~ by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

SECTION 79. IC 25-23.5-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The committee may issue a temporary permit to a person to ~~profess to be engage in the practice of occupational therapy as~~ an occupational therapist or occupational therapy assistant if the person pays a fee and the person:

(1) has a valid license or certificate to practice from another state and the person has applied for a ~~certificate license or certificate~~ from the committee;

(2) is practicing **occupational therapy** in a state that does not license or certify occupational therapists or occupational therapy assistants but is certified by a national occupational therapy association approved by the ~~committee board~~ and the person has applied for a ~~certificate license or certificate~~ from the committee; or

(3) has been approved by the committee to take the next examination and has graduated from a school or program approved by the committee and the person has completed the fieldwork experience requirement.

(3) meets all the following requirements:

(A) Has graduated from an accredited program.

(B) Has completed the fieldwork experience requirement for a license or certificate under this article.

(C) Is eligible to take the entry level examination.

(b) A person with a temporary permit issued under subsection (a)(3) may ~~profess to be engage in the practice of occupational therapy as~~ an occupational therapist or an occupational therapy assistant only under the supervision of an occupational therapist ~~certified licensed~~ under this article.

(c) A temporary permit expires the earlier of:

(1) the date the person holding the permit is issued a ~~certificate permanent license or certificate~~ under this article; or

(2) the date the committee disapproves the person's ~~certificate license application or certificate application~~; or

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**(3) one hundred eighty (180) days after the date the permit is issued.**

(d) The committee may renew a temporary permit if the person holding the permit was scheduled to take the next examination and the person:

- (1) did not take the examination; and
- (2) shows good cause for not taking the examination.

(e) A permit renewed under subsection ~~(c)~~ **(d)** expires on the date the person holding the permit receives the results from the next examination given after the permit was issued.

SECTION 80. IC 25-23.5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who is ~~certified~~ **licensed or certified** under this article shall notify the committee in writing when the person retires from practice.

(b) Upon receipt of the notice, the committee shall:

- (1) record the fact the person is retired; and
- (2) release the person from further payment of renewal fees.

SECTION 81. IC 25-23.5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If a person surrenders a ~~certificate~~ **license or certificate** to the committee, the committee may reinstate the ~~certificate~~ **license or certificate** upon written request by the person.

(b) If the committee reinstates a ~~certificate~~, **license or certificate**, the committee may impose conditions on the ~~certificate~~ **license or certificate** appropriate to the reinstatement.

(c) A person may not surrender a ~~certificate~~ **license or certificate** without written approval by the committee if a disciplinary proceeding under this article is pending against the person.

SECTION 82. IC 25-23.5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A person who applies for a ~~certificate~~ **license or certificate** under this article may be exempted by the committee from the examination requirement under section 6 of this chapter if the person:

- (1) is licensed or certified to practice **occupational therapy** as an occupational therapist or occupational therapy assistant in another state; or
- (2) is practicing **occupational therapy** in a state that does not license or certify occupational therapists or occupational therapy assistants and is certified by a national occupational therapy association approved by the board;

and is otherwise qualified under sections 1 through 3 of this chapter and pays an additional fee.

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SECTION 83. IC 25-23.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. The committee may issue a ~~certificate license~~ to a person who has graduated as an occupational therapist or **issue a certificate to a person who has graduated as an** occupational therapy assistant from an educational program in a foreign country if the person:

- (1) graduated from an educational program approved by the board;
- (2) does not have a conviction for:
  - (A) an act that would constitute a ground for a disciplinary sanction under IC 25-1-9; or
  - (B) a crime that has a direct bearing on the person's ability to practice competently;
- (3) has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the person was not able to practice **occupational therapy** as an occupational therapist or occupational therapy assistant without endangering the public;
- (4) passes the examination required under this chapter; and
- (5) pays a fee.

SECTION 84. IC 25-23.6-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. "Appraisal" means the use or administration of career and occupational instruments, adaptive behavioral and symptoms screening checklists, and inventories of interests and preferences that are administered for the purpose of counseling persons to cope with or adapt to changing life situations that are due to problems in living. The term includes the use of marital, relational, communicational, parent and child, and family systems assessment instruments. ~~The term does not include the use of restricted psychology tests or instruments as described in IC 25-33-1-2(1).~~

SECTION 85. IC 25-23.6-8-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) An applicant under section 1 of this chapter must have at least ~~three (3)~~ **two (2)** years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. ~~Two (2) years of~~ The applicant's clinical experience must include one thousand (1,000) hours of post degree clinical experience and two hundred (200) hours of post degree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as

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determined by the board.

(b) Within the ~~three (3)~~ **two (2)** years required under subsection (a), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(e) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 86. IC 25-23.7-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The licensing agency shall provide the board with clerical or other assistants ~~including investigators~~, necessary for the proper performance of the board's duties.

SECTION 87. IC 25-33-1-1.1, AS AMENDED BY SEA 526-2007, SECTION 343, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) ~~Except as provided in sections 3(g) and 14(c) of this chapter~~, **Subject to subsection (b)**, this article exempts a person who does not profess to be a psychologist and who is:

- (1) a ~~certified licensed~~ marriage and family therapist;
- (2) a ~~certified licensed~~ social worker or a ~~certified licensed~~ clinical social worker;
- (3) a licensed mental health counselor;**
- ~~(3)~~ **(4)** a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;
- ~~(4)~~ **(5)** a licensed or certified health care professional;
- ~~(5)~~ **(6)** a licensed attorney;
- ~~(6)~~ **(7)** a student, an intern, or a trainee pursuing a course of study in psychology in an accredited postsecondary educational institution or training institution if the psychology activities are

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performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;

~~(7)~~ **(8)** an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or

~~(8)~~ **(9)** any other certified or licensed ~~profession~~ **professional**.

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), ~~(a)(4)~~, **(a)(3)**, (a)(5), (a)(6), **(a)(7)** or ~~(a)(8)~~ **(a)(9)** must provide services:

(1) within the ~~person's~~ scope of **the person's** practice, **license, education,** and training; and

(2) according to any applicable ethical standards of the person's profession.

SECTION 88. IC 25-33-1-3, AS AMENDED BY P.L.1-2006, SECTION 478, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board.

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Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

- (1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.
- (2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.
- (3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.
- (4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.
- (5) Initiate the prosecution and enjoinder of any person violating this article.
- (6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.
- (7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

- (1) Carry out the administrative functions of the board.
- (2) Provide necessary personnel to carry out the duties of this article.
- (3) Receive and account for all fees required under this article.
- (4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);

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- (3) a qualified physician licensed under IC 25-22.5;
- (4) a school psychologist who holds a valid:
  - (A) license issued by the department of education under IC 20-28-2; or
  - (B) endorsement under IC 20-28-12;
 practicing within the scope of the school psychologist's license or endorsement; or
- (5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.
- (h) The board shall provide to:
  - (1) the social work certification and marriage and family therapists credentialing board; and
  - (2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

- (1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and
- (2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) (g) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 89. IC 25-33-1-14, AS AMENDED BY SEA 526-2007, SECTION 347, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section does not apply

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to an individual who is:

- (1) a member of a teaching faculty, at a public or private postsecondary educational institution for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;
- (2) a commissioned psychology officer in the regular United States armed services;
- (3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or
- (4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) (b) It is unlawful for an individual to:

- (1) claim that the individual is a psychologist; or
- (2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

(d) (c) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

(e) It is unlawful for an individual, other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22-5;
- (4) a school psychologist who holds a valid:
  - (A) license issued by the department of education under IC 20-28-2; or

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(B) endorsement under IC 20-28-12;  
 who practices within the scope of the school psychologist's  
 license or endorsement; or  
 (5) a minister, priest, rabbi, or other member of the clergy  
 providing pastoral counseling or other assistance;  
 to administer or interpret a restricted psychology test or instrument as  
 established by the board under section 3(g) of this chapter in the course  
 of rendering psychological services to individuals, organizations, or to  
 the public.

(f) (d) This section may not be interpreted to prevent a licensed or  
 certified health care professional from practicing within the scope of  
 the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 90. IC 25-35.6-1-7, AS AMENDED BY SEA 451-2007,  
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2007]: Sec. 7. (a) The division of professional standards  
 established within the department of education by IC 20-28-2-1.5  
 (referred to as "the division of professional standards" in this section)  
 may issue the following:

(1) An initial license as a speech-language pathologist only to an  
 individual who is licensed as a speech-language pathologist under  
 this article.

**(2) A nonrenewable initial license as a speech-language  
 pathologist to an individual who is completing a clinical  
 fellowship in speech-language pathology and who has  
 registered the clinical fellowship with the board. The  
 nonrenewable initial license expires on the earlier of:**

**(A) the date the individual is licensed by the board as a  
 speech-language pathologist; or**

**(B) eighteen (18) months after the individual begins the  
 clinical fellowship in speech-language pathology.**

(2) (3) A renewal license as a speech-language pathologist to an  
 individual who was licensed by the professional standards board  
 before July 1, 2005, and who is not licensed as a speech-language  
 pathologist under this article.

(b) The division of professional standards shall issue a license as a  
 speech-language pathologist to an individual who:

- (1) is licensed as a speech-language pathologist under this article;  
 and
- (2) requests licensure.

(c) A speech-language pathologist licensed by the division of

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professional standards shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

(d) The division of professional standards may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(e) The division of professional standards may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(f) An individual:

(1) who:

(A) if the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) if the individual is an audiologist, works in an educational setting;

(2) who has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) who has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 91. IC 25-35.6-1-8, AS ADDED BY P.L.212-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

(1) Supervisory responsibilities of the speech-language pathologist.

(2) Ratio of support personnel to speech-language pathologists.

(3) Scope of duties and restrictions of responsibilities for each type of support personnel.

(4) Frequency, duration, and documentation of supervision.

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(5) Education and training required to perform services.

(6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

(1) Hold a current license as a speech-language pathologist **issued by the board.**

(2) Have at least three (3) years of clinical experience.

(3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the supervision of a speech-language pathologist.

SECTION 92. IC 34-6-2-117 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 117. "Professional health care provider", for purposes of IC 34-30-15, means:

- (1) a physician licensed under IC 25-22.5;
- (2) a dentist licensed under IC 25-14;
- (3) a hospital licensed under IC 16-21;
- (4) a podiatrist licensed under IC 25-29;
- (5) a chiropractor licensed under IC 25-10;
- (6) an optometrist licensed under IC 25-24;
- (7) a psychologist licensed under IC 25-33;
- (8) a pharmacist licensed under IC 25-26;
- (9) a health facility licensed under IC 16-28-2;
- (10) a registered or licensed practical nurse licensed under IC 25-23;
- (11) a physical therapist licensed under IC 25-27;
- (12) a home health agency licensed under IC 16-27-1;
- (13) a community mental health center (as defined in IC 12-7-2-38);
- (14) a health care organization whose members, shareholders, or partners are:

(A) professional health care providers described in subdivisions (1) through (13);

(B) professional corporations comprised of health care professionals (as defined in IC 23-1.5-1-8); or

(C) professional health care providers described in subdivisions (1) through (13) and professional corporations comprised of persons described in subdivisions (1) through (13);

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- (15) a private psychiatric hospital licensed under IC 12-25;
- (16) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
- (17) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
- (18) a respiratory care practitioner licensed under IC 25-34.5;
- (19) an occupational therapist ~~certified~~ **licensed** under IC 25-23.5;
- (20) a state institution (as defined in IC 12-7-2-184);
- (21) a clinical social worker who is licensed under IC 25-23.6-5-2;
- (22) a managed care provider (as defined in IC 12-7-2-127(b));
- (23) a nonprofit health care organization affiliated with a hospital that is owned or operated by a religious order, whose members are members of that religious order; or
- (24) a nonprofit health care organization with one (1) or more hospital affiliates.

SECTION 93. IC 35-48-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. ~~Denial, Revocation, and Suspension of Registration.~~ (a) An application for registration or re-registration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture, distribute, or dispense a controlled substance may be denied, suspended, or revoked by the board upon a finding by the advisory committee that the applicant or registrant:

- (1) has furnished false or fraudulent material information in any application filed under this article;
- (2) has violated any state or federal law relating to any controlled substance;
- (3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or
- (4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or re-registration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for re-registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective

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date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the drug enforcement administration of all orders suspending or revoking registration, all orders denying any application for registration or re-registration, and all forfeitures of controlled substances.

**(e) If the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances, a registration issued by the board under this chapter is automatically suspended.**

**(f) The board may reinstate a registration that has been suspended under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.**

SECTION 94. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 25-8-4-22; IC 25-8-4-23; IC 25-8-4-24; IC 25-8-4-25; IC 25-8-4-26; IC 25-8-6.1; IC 25-8-6.2; IC 25-8-16.

SECTION 95. [EFFECTIVE JULY 1, 2007] **(a) The definitions in IC 25-35.6-1-2 apply throughout this SECTION.**

**(b) Notwithstanding IC 25-35.6, as amended by this act, concerning issuance of a license, the Indiana professional licensing agency shall issue a license in speech-language pathology as follows:**

**(1) To each individual who applies for licensure and meets all the following qualifications:**

**(A) Holds a license in speech and hearing therapy issued by the division of professional standards established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this SECTION).**

**(B) Has a master's degree in speech-language pathology or a related discipline.**

**(C) Has been employed as a speech-language pathologist**

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for at least nine (9) months in the last five (5) years.

(2) To each individual who applies for licensure and meets all the following qualifications:

(A) Holds a life license in speech-language pathology issued by the division of professional standards.

(B) Has:

(i) been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years; or

(ii) taken at least thirty-six (36) hours of continuing education approved by the division of professional standards or the Indiana professional licensing agency after December 31, 2004, and before December 31, 2010.

(c) This SECTION expires January 1, 2011.

SECTION 96. [EFFECTIVE JULY 1, 2007] (a) If an individual is certified as an occupational therapist under IC 25-23.5 on June 30, 2007, the individual is considered to be a licensed occupational therapist under IC 25-23.5, as amended by this act, on July 1, 2007. The license of an individual described in this subsection expires on the date the individual's certification that the license is replacing would have expired if this act had not been enacted.

(b) The occupational therapy committee established by IC 25-23.5-2-1 shall issue a license under IC 25-23.5-5-6, as amended by this act, to an individual described in subsection (a). However, the occupational therapy committee and the Indiana professional licensing agency are not required to issue:

(1) a wall license; or

(2) a pocket license;

to an individual described in subsection (a) until the license renewal period beginning November 1, 2008.

(c) The medical licensing board of Indiana may adopt temporary rules in the manner provided for emergency rule adoption under IC 4-22-2-37.1 to implement IC 25-23.5, as amended by this act. A temporary rule adopted under this subsection expires on the earliest of the following:

(1) The date that the temporary rule is superseded by another temporary rule adopted under this subsection.

(2) The date that the temporary rule is superseded by a rule adopted under IC 4-22-2.

(3) The date specified in the temporary rule.

(4) July 1, 2009.

(d) This SECTION expires July 1, 2010.

SECTION 97. [EFFECTIVE JULY 1, 2007] (a) This SECTION

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applies only to a person who is employed with a home health agency or a personal services agency on June 30, 2007, to provide services in a patient's or client's temporary or permanent residence.

(b) The definitions under IC 16-27-2 apply throughout this SECTION.

(c) Notwithstanding IC 10-13-3-39 and IC 16-27-2-4, both as amended by this act, a home health agency or personal services agency is not required to apply for a determination concerning the national criminal history background check of a person to whom this SECTION applies until July 1, 2008.

(d) Notwithstanding IC 16-27-2-5, as amended by this act, a home health agency or personal services agency may employ a person to whom this SECTION applies to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) days without receipt of the determination concerning the person's national criminal history background check. However, a home health agency or personal services agency may not employ a person to whom this SECTION applies to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) days after July 1, 2008, unless either the state police department or the Federal Bureau of Investigation under IC 10-13-3-39 is responsible for failing to provide the determination of the person's national criminal history background check to the home health agency or personal services agency within the time required under this subsection.

(e) This SECTION expires December 31, 2008.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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